

- 5 -

**REMARKS**

Applicant has now had an opportunity to carefully consider the Examiner's comments set forth in the Office Action of December 11, 2003. Applicant desires consideration of the enclosed amendment.

**THE OFFICE ACTION**

Claims 1-3, 6-8, 26, 28, and 29 are pending in the application.

Claim 26 stands rejected under 35 U.S.C. §102(b) as being anticipated by Gluhlampenwerk.

Claim 28 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Gluhlampenwerk in view of Morley.

Claims 1-3, 6-8, and 29 have been allowed.

**THE CLAIMS DISTINGUISH OVER THE REFERENCES OF RECORD**

Claim 26 now calls for a tangential outer surface of at least one upper end and the tangential outer surface of the cold chamber portion being coplanar in a plane perpendicular to the central axis of the discharge tube. Gluhlampenwerk fails to teach a tangential outer surface of an upper end coplanar with a tangential outer surface of the cold chamber portion which are coplanar in a plane perpendicular to a central axis. It is therefore respectfully submitted that claim 26 and claim 28 dependent therefrom distinguish patentably and unobviously over the references of record.

**CONCLUSION**

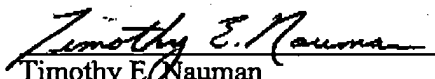
Each issue raised in the Office Action dated December 11, 2003 has been addressed. The present amendment merely cancels claims, adopts the Examiner's suggestions, removes issues for appeal, or in some other way requires only a cursory review by the Examiner. The claims as amended do not raise any issues with regard to new matter, do not present new issues requiring further search or consideration, and/or place the application in better condition for appeal. Accordingly, the amendment should be entered and the application forwarded for issuance. If a telephone call would clear up any minor matter, the Examiner is invited to call the undersigned.

- 6 -

All formal and informal matters having been addressed, this application is in condition for allowance. Early notice to that effect is solicited.

Respectfully submitted,

FAY, SHARPE, FAGAN,  
MINNICH & McKEE, LLP

  
Timothy E. Nauman  
Reg. No. 32,283  
Karl W. Hauber  
Reg. No. 52,999  
1100 Superior Avenue, 7th Floor  
Cleveland, Ohio 44114-2518  
(216) 861-5582

T:\RRCMy Documents\1-Kwh\GECZ 2 00564.aaf.doc